



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,468	05/29/2001	Hisao Yasuhara	109375	3731

25944 7590 03/25/2005

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

CANTELMO, GREGG

ART UNIT	PAPER NUMBER
----------	--------------

1745

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,468

Applicant(s)

YASUHARA ET AL.

Examiner

Gregg Cantelmo

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,5,10,11 and 13-20 is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 3/21/05
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the amendment received December 17, 2004:
 - a. The prior rejections are withdrawn.

Claim Objections

2. Claims 3, 6 and 9 objected to because of the following informalities: Claims 3, 6 and 9 each recite a method in the preambular language but are dependent upon independent claim 15 to an apparatus. Appropriate correction is required.
3. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim is not to a method as recited in the preamble but to the apparatus. If claim 9 is in fact intended to be linked to an apparatus claim then this claim is not held to further limit the apparatus since it does not appear to impart further structure to the apparatus.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-9 recites the limitation "the element analysis" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

Allowable Subject Matter

5. Claims 1-2, 4-5, 10-11 and 13-30 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record appears to teach, fairly suggest or render obvious the invention of the instant claims. In particular: of the methods and apparatus' recited in the instant claims having electrodes therein, a pretreatment chamber, cooling device and reaction chamber.

While JP 10-074586 and JP 11-361220 each disclose of providing an anode, cathode, pretreatment chamber and reaction device. Neither reference is held to teach or sufficiently suggest an apparatus (claim 13) or method (claims 19 and 20) comprising plural anodes wherein the anodes are arranged to counter the metal sample and are cooled by a cooling device or cooling step (claims 13 and 19-20), plural cathodes arranged to counter the metal sample with a cooling device for cooling at least one of the cathodes (claim 15), means for cooling the means for removing contaminants (claim 17).

Providing a cooling device, cooling means or cooling step prevents recontamination of the metal sample during sputtering and improves the purity of the metal sample.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 1745

Claims 6-9 recites the limitation "the element analysis" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

Allowable Subject Matter

5. Claims 1-2, 4-5, 10-11 and 13-30 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record appears to teach, fairly suggest or render obvious the invention of the instant claims. In particular: of the methods and apparatus' recited in the instant claims having electrodes therein, a pretreatment chamber, cooling device and reaction chamber.

While JP 10-074586 and JP 11-361220 each disclose of providing an anode, cathode, pretreatment chamber and reaction device. Neither reference is held to teach or sufficiently suggest an apparatus (claims 13 and 10) or method (claim 19) comprising plural anodes wherein the anodes are arranged to counter the metal sample and are cooled by a cooling device or cooling step (claims 13 and 19-20), plural cathodes arranged to counter the metal sample with a cooling device for cooling at least one of the cathodes (claim 15), means for cooling the means for removing contaminants (claim 17).

Providing a cooling device, cooling means or cooling step prevents recontamination of the metal sample during sputtering and improves the purity of the metal sample.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 1745

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo
Primary Examiner
Art Unit 1745

gc

A handwritten signature in black ink, appearing to read "Gregg Cantelmo", is written over the printed name and title.

March 21, 2005